IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

Bail Appl..No. 1770 of 2007()

C.R.NO.7/07 OF KUTTANAD EXCISE RANGE

PETITIONERS :

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1. SHAJAHAN,S/O.MUHAMMED,VELLURPARAMBU, VENBALLUR MURI,KUMARAMANGALAM VILLAGE,THODUPUZHA TALUK,IDUKKI DISTRICT.

2. SAINUDEEN,S/O.MOITHEENKUTTY,PALLURUTHI NAMBYAPURAM,20/499,PALLURUTHI VILLAGE, KANAYANOOR TALUK,ERNAKULAM DISTRICT.

3. RAJESH,S/O.RAMESH,H.NO.164(6/283), CHAKKAMADAM KUTHIRAPARAMBU,MATTANCHERY VILLAGE, MATTANCHERRY TALUK,ERANAKULAM DISTRICT.

BY ADV. SRI.A.MOHAMMED

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1770 OF 2007 A

Dated this the 23rd day of March, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioners, who are accused Nos.1 to 3 in C.R. No.7/07 of Kuttanad Excise Range for offences punishable under Secs.55(a) and 67B of the Abkari Act for allegedly having transported 310 liters of rectified spirit in a Maruti Omni Van on 21.1.2007 and who were arrested on the same day, seek their enlargement on bail.

2. Eventhough the learned Public Prosecutor opposed the application, he fairly conceded that no final report has been filed even after 60 days of detention of the petitioners. If so, by virtue of the proviso to sec.167(2) Cr.P.C. the petitioners are entitled to be released on bail as of right.

3. Accordingly, the petitioners are directed to be released on bail on their executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Ramankari and subject to the following conditions:

a. The petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

b. The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

c. The petitioners shall make themselves available for interrogation as and when required by the police till the filing of the final report.

d. The petitioners shall not commit any offence while on bail.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

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